MONTANA LEGISLATIVE HISTORY

Chapter 130 1969

Bill H _____ S 20 Original bill & history ✓ C

H. Committee on Fish & Game			S. Committee on Fish & Game		
Hearing Date(s)	2-10	___C	Hearing Date(s)	1-9	___C
	2-12	___C		1-15	___C
	_____	___C		1-27	___C
	_____	___C		_____	___C
Date Out	2-12	___C	DATE OUT	1-27	

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

The Historical Society has no subcommittee minutes.

House Floor

2-13 Stand. Comm. Rpt - amends.
2-15 2nd Reading - concurred
2-18 3rd Reading - Concurred

Senate Floor

1-15 Stand. Comm. Rpt - amend.
1-17 2nd Reading
1-24 Stand. Comm. Rpt. - amend.
1-25 2nd Reading
1-28 3rd Reading
2-21 2nd Reading - concurred
2-22 3rd Reading - concurred

Compiled 2-5-16
By [illegible]

COMMITTEE ON FISH AND GAME

BILL NO.	ENTERED COMM.	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CONCURRED IN	BE CONCURRED IN AS AMENDED	BE NOT CONCURRED IN	
S.B.20	1-8-69	1-15-69			X				
S.B.14	1-9-69	1-14-69	X						
S.B.24	1-9-69	1-16-69			X				
S.B.25	1-9-69	1-16-69			X				
S.B.49	1-14-69	1-28-69	X						
S.B.53	1-14-69	1-28-69		X					
H.B.74	1-14-69	2-13-69						X	
S.B.90	1-16-69	1-23-69			X				
H.B.54	1-17-69	1-23-69				X			
H.B.51	1-18-69	1-23-69				X			
* S.B.14	1-16-69	1-23-69			X				
* S.B.20	1-17-69	1-23-69			X				
H.B.53	1-20-69	2-13-69				X			
S.B.152	1-21-69	1-28-69		X					
S.B.194	1-22-69	1-30-69			X				
H.B.70	1-23-69	2-18-69					X		
S.B.227	1-23-69	1-28-69	X						
S.B.264	1-23-69	2-9-69			X				
S.B.275	1-23-69	1-28-69	X						
* S.B.14	1-25-69	2-6-69			X				
* S.B.90	1-27-69	1-30-69		X					
H.J.R.3	1-28-69	2-13-69				X			
H.B.418	2-2-69	2-13-69				X			

* Rereferred

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SENATE COMMITTEE ON

FISH AND GAME

DATE

NAME	1/9	1/14	1/16	1/21	1/23	1/28	1/30	2/4	2/6	2/8	2/9	2/11	2/13	2/15	2/17	2/18	2/20			
Chairman Hafferman, Wm. F.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Vice-Chairman Mitchell, Harry B.	X	X	X	X	A	X	A	X	X	X	A	X	X	X	X	X	X			
Folsom, Mills	X	X	X	X	X	X	X	X	X	A	X	X	X	X	X	X	X			
Klindt, Herbert J.	X	X	X	X	X	X	X	A	X	X	X	A	X	X	X	X	A			
Keenan, P. J.	X	X	X	X	X	X	X	A	X	X	X	A	A	X	X	X	A			
Northey, Harry T.	X	X	X	X	X	X	X	X	X	X	X	A	X	X	X	X	A			
Shugrue, Stephen J.	X	X	X	A	X	X	X	X	X	X	A	X	X	A	A	A	X			
Lynch, Neil J.	X	X	A	X	X	X	X	X	X	X	X	A	A	X	X	X	A			
Boylan, Paul F.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Moore, Jim	X	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	A			
Sparks, Edward N.	-	-	-	-	-	-	-	X	X	X	X	X	X	X	X	X	X			
Stein, Ben H.	X	X	X	X	X	A	X	-	-	-	-	-	-	-	-	-	-			

SENATE BILL NO. 20

INTRODUCED BY Flynn, Hafferman Folsom Selstad

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE FISH AND GAME COMMISSION TO CONTROL AND REGULATE ROADSIDE MENAGERIES OR ZOOS."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. As used in this act, unless the context clearly indicates otherwise:

(1) "commission" means the Montana fish and game commission;

(2) "roadside menagerie" means any place where one (1) or more wild or domestic animals, including birds, reptiles, and the like are kept in captivity, upon any street or highway, or upon land, public or private, in the vicinity of any commercial establishment, for the evident purpose of exhibition or attracting trade, but does not include the exhibition of any animal by any educational institution or in any zoological garden chartered as a non-profit corporation by the state nor animals exhibited by any traveling theatrical exhibition or circus;

(3) "wild animal" means any animal wild by nature as distinguished from the common domestic animals, whether or not such animal was bred or reared in captivity, and shall include birds, reptiles, etc.;

(4) "director" means the director of the state fish and game commission.

Section 2. (1) The commission shall grant permits for roadside menageries or zoos.

(2) The commission shall adopt and enforce rules for the housing, care, treatment, feeding and sanitation of animals kept in roadside menageries, and for the protection of the public from

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injury by such animals.

(3) Rules may be enforced by any game protector or other officer duly authorized by the commission. Any legally authorized officer may also be empowered to enforce rules and to bring infractions to the attention of the commission.

Section 3. (1) It is unlawful for any person to operate a roadside menagerie without a permit. Application for a permit shall be made to the director on a form prescribed by him. The annual permit fee is twenty-five dollars ($25). Permits shall expire on December 3], but may be renewed upon payment of the annual fee. This section shall not apply to the United States, the state of Montana, or any county or city.

(2) It is unlawful for any person, firm or corporation to keep any animals in captivity upon any street or highway, or upon land, public or private, in the vicinity of any commercial establishment, for exhibition for the evident purpose of attracting trade, or to have any wild animal in his custody or control for such purposes, or otherwise maintain a collection of wild animals, unless a permit has been issued by the commission. Under no circumstances shall animals be acquired or kept until a permit has been issued.

(3) No permit shall be granted by the commission until it has satisfactorily verified that the provisions for housing and caring for such animals and for protecting the public are proper and adequate and in accordance with the standard established by the commission.

(4) All permits issued under the provisions of this act shall be framed and publicly displayed at roadside menageries covered by this permit. A copy of roadside menagerie standards must be prominently displayed for public information.

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(5) An application for a menagerie permit constitutes an agreement by the owner or operator to comply with any rules established by the commission. Failure to comply with the rules or false statements pertaining thereto may result in cancellation of the permit and all rights and privileges inherent therein.

Section 4. (1) All animals including all wild and domestic mammals, birds, reptiles, and the like held in captivity at roadside menageries shall be confined at all times in cages of such strength and type of construction that it will be impossible for the animals to escape, and at no time shall any animals be chained or otherwise tethered to stakes, posts, trees, buildings, or other anchorage, or otherwise impeded from moving freely within the cage or enclosure except according to rules adopted by the commission.

(2) All cases and enclosures shall be of sufficient size and height to give the animals ample space for exercise and to avoid overcrowding or escape. The length of the cage or enclosure shall be a minimum of six (6) times the length of the animal being kept, and the width shall be at least three-quarters (3/4) of the length. For each additional animal housed in the cage, the size of the cage shall be increased an additional twenty-five percent (25%). Species requiring larger cage configurations or holding facilities shall be accommodated according to recommendations of the commission. Each cage or enclosure shall be provided with a weatherproof den, nest box, rest board, perch, or shelter, and bedding as may be required for the comfort of the species of animals, reptiles, birds, and the like, so held in captivity and to protect them against inclement weather. A suitable shield

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for protection against the hot rays of the sun shall also be provided. Where the natural climate of the species of animal being held differs from the climate of the area where the menagerie is located, provision must be made to adjust holding conditions to the natural habitat.

(3) Substantial guard rails, not less than thirty-six (36) inches high, well supported and fully enclosed with wire mesh not larger than two (2) inches, spaced not more than two (2) inches from the ground, shall be constructed around all cages or enclosures, on the side or sides where the public may approach them at a distance of not less than six (6) feet from the enclosure in which the animals are confined properly, to safeguard the public and the animals from injury. Cages and fencing shall be kept in good repair at all times, and gates and doors shall be padlocked. No nails or other sharp protrusions which might injure the animal are allowed within the cage.

(4) At least one (1) wall of the enclosure shall be constructed to provide a privacy screen and windbreak for the animals confined within the enclosure or cage.

Section 5. (1) Regular feeding schedules shall be maintained. A record of daily feedings shall be kept in the log book. The rations supplied should be adequate and varied, and, so far as possible, consistent with the food which is ordinarily eaten by such animals in a wild state, to maintain proper strength and healthy appearance. Food must be of good quality. Under no circumstances may the public be permitted to feed the animals, nor may food be sold to the public for this purpose.

(2) Running water for drinking purposes shall be available in cages or enclosures at all times. Drinking fountains and other receptacles shall be kept clean and in a sanitary condition.

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(3) Proper signs shall be conspicuously posted on cages and enclosures requesting the public to refrain from feeding or annoying the animals so retained. The owner or operator shall periodically check to insure enforcement.

Section 6. (1) All animals retained shall be handled in a humane manner and kept free from parasites, sickness or disease, and when afflicted or unsightly shall be removed from public display by the owner or operator, and immediately given professional medical attention, or be destroyed in a humane manner. A complete record of illness, treatment and disposition must be made in the log book.

(2) All cages or other enclosures shall be cleaned at least once a day and said enclosures and their surroundings shall be kept in a sanitary and attractive condition, free from offensive odor.

Section 7. (1) Any animals with a propensity to fight, or which are otherwise incompatible, shall be kept segregated.

(2) A menagerie permit cannot be construed as a commercial game propagating permit and the holder of such permit must not, under any circumstances, sell or attempt to sell any of the original game birds or game animals or the progeny thereof. A game propagating permit is required to propagate and sell game birds and game animals for commercial purposes. A fur farming permit is required to propagate and sell fur-bearing animals. All offspring of game animals, game birds or fur-bearing animals are the property of the state wherein the menagerie is located, and must be disposed of by the state or other thereof. Offspring birth details, disposition of animals, and other pertinent details must be entered in the log book.

Section 8. (1) All animals retained at a roadside

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menagerie shall have been secured in a lawful manner, that is, from a licensed dealer within or without the state. Evidence of such legal possession shall be forwarded following acceptance of the application for such menagerie including receipted invoice, bill of lading, or other satisfactory evidence. Upon return, it shall be available for inspection upon due request.

(2) It shall be the purchaser's responsibility to obtain written verification that the individual disposing of any animals was legally entitled to make the disposition. Such verification shall be maintained with the other records and made available upon request.

Section 9. Each enclosure shall be labelled with the proper common name in English, of the animal or animals confined, for the information of the public. The letters on such labels shall be at least one (1) inch in height.

Section 10. A complete record and history of each animal, as well as a monthly inventory shall be kept in a permanent log book and made available upon request to any game protector, humane officer, or other duly commissioned officer.

Section 11. Any person violating the provisions of this act shall, upon conviction, be punished by a fine of not more than two hundred fifty dollars ($250), imprisonment for a period of not more than ten (10) days, or both. Violations of the provisions of this act shall constitute automatic cancellation of the permit and all rights and privileges inherent therein. Failure to make regular and proper entries in the log book shall be deemed a violation. Any animals being kept in violation of any section of this act may be confiscated or ordered disposed of at the discretion of the game protector, humane officer, or duly constituted officer.

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January 9, 1969

MINUTES OF THE COMMITTEE

MEETING ON FISH AND GAME

The committee meeting on Fish and Game met at 1:15 p.m., in room 404, with Chairman Hafferman presiding. Roll call was taken and a quorum was present.

Senate Bill No. 20 was discussed, and Senator Flynn opened by presenting the problems caused by roadside menageries. He has met with the Humane Society and they have discussed the treatment given these animals. It was decided that jurisdiction of these roadside operations be given to the Fish and Game Department.

A question was raised by Senator Klindt as to what restrictions would be placed on individuals desiring to open and operate roadside menageries. Senator Folsom stated that he has talked with the Fish and Game people and their desire is not to eliminate these operations, but to set up a standard for suitable operations (proper feeding, housing, and sanitary facilities).

Since the question had been raised, Chairman Hafferman placed the bill in a subcommittee headed by Senator Klindt. Other members of this committee are Senator Folsom and Senator Moore.

Also placed in subcommittee was Senate Bill No. 14. The Chairman of this subcommittee is Senator Northey, and other members include Senator Keenan and Senator Stein.

The meeting was then adjourned by Chairman Hafferman.

William F. Hafferman

Sen. William F. Hafferman, Chairman

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January 15, 1969

MINUTES OF THE COMMITTEE

MEETING ON FISH AND GAME

The committee meeting on Fish and Game was called to order on January 14, at 12:30 p.m., by Chairman Hafferman. Roll Call was taken and all members were present.

Senate Bills No. 20 and 14 were of primary concern, and were discussed at some length.

An extensive amendment was offered by the subcommittee on Senate Bill No. 20, and the entire bill was striken following the enacting clause. The amendment is included in it's entirety on a Standing Committee Report form dated January 14, 1969. Frank Dunkle, Director of the Fish and Game Department, testified on behalf of this bill and it was made clear that the restrictions on feeding did not apply to fish. A motion was then made by Senator Folsom that Senate Bill No. 20 DO PASS AS AMENDED. The motion was seconded by Senator Klindt and carried unanimously.

Next Senate Bill No. 14 was taken up. Mr. Dunkle also testified in favor of this bill, and stated that the main purpose of it was to change the method of purchasing property by the commission, particularly the purchasing of winter ranges for big game animals. After the presentation of Mr. Dunkles testimony, a motion was made by Senator Mitchell that Senate Bill No. 14 DO PASS. The motion was seconded by Senator Northey and it carried unanimously.

The discussion was then directed toward Senate Bill No. 24. Senator Folsom introduced this bill and stated that the purpose of it is to change the designation of three predatory animals (the mountain lion, bobcat, and wolverine) and one non-designated animal (the Canada Lynx) to that of a game designation. The Fish and Game Department would then have the authority to establish proper hunting seasons to protect these species. Senator Moore then asked if the mountain lion and bobcat should be included in this bill, since they are not yet considered an endangered species. Since the question was raised, Chairman Hafferman placed Senate Bills No. 24 and 25 in a subcommittee headed by Senator Moore. Members of it include Senator Folsom and Senator Boyland.

The meeting was then adjourned by Chairman Hafferman at 1:15 p.m.

Hafferman

Sen. William F. Hafferman, Chairman

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Roll call. All members present except Bertsche, Moritz, Thiessen excused on state business and Hibbard, excused.

Quorum present.

The report of the Journal Committee, approving the Journal for the Ninth Legislative Day, was read and adopted.

REPORTS OF STANDING COMMITTEES

The following committees submitted the following reports:

Mr. President: We, your Committee on Bills, to whom were referred Senate Bills Nos. 26, 36 and Senate Joint Resolution No. 1, beg leave to report same back correctly printed.

DeWOLFE, Chairman

Report adopted.

Mr. President: We, your Committee on Fish and Game, having had under consideration Senate Bill No. 20, respectfully report as follows: That Senate Bill No. 20 be amended as follows:

By striking out all of the bill following the enacting clause and inserting in lieu thereof the following material:

Section 1. As used in this act, unless the context clearly indicates otherwise:

(1) "commission" means the Montana Fish and Game Commission;

(2) "roadside menagerie" means any place where one (1) or more wild animals, including birds, reptiles, and the like are kept in captivity, upon any street or highway, or upon land, public or private, in the vicinity of any commercial establishment, for the evident purpose of exhibition or attracting trade, but does not include the exhibition of any animal by any educational institution or in any zoological garden chartered as a non-profit corporation by the state nor animals exhibited by any traveling theatrical exhibition or circus;

(3) "wild animal means any animal wild by nature as distinguished from the common domestic animals, whether or not such animal was bred or reared in capitivity, and shall include birds and reptiles.

(4) "director" means the director of the State Fish and Game Commission.

Section 2. (1) The commission shall grant permits for roadside menageries or zoos.

(2) The commission shall adopt and enforce rules for the housing, care, treatment, feeding and sanitation of animals kept in roadside menageries, and for the protection of the public from injury by such animals.

Section 3. (1) It is unlawful for any person to operate a roadside menagerie without a permit. Application for a permit shall be made to the director on a form prescribed by him. The annual permit fee for five (5) or less animals shall be ten dollars ($10.00). The annual permit fee for more than five (5) animals shall be twenty-five dollars ($25.00). Permits shall expire on December 31, but may be renewed upon payment of the annual fee. This section shall not apply to the United States, the State of Montana, or any county or city. Any person who shall subscribe to any false statement in application for a permit shall be guilty of a misdemeanor.

(2) It is unlawful for any person, firm or corporation to own, operate or control a roadside menagerie unless a permit has been issued by

the commission. Under no circumstances shall animals be acquired or kept until a permit has been issued.

(3) No permit shall be granted by the commission until it has satisfactorily verified that the provisions for housing and caring for such animals and for protecting the public are proper and adequate and in accordance with the provisions of this act and with the standards established by the commission.

(4) All permits issued under the provisions of this act shall be framed and publicly displayed at roadside menageries covered by this permit. A copy of roadside menagerie standards must be prominently displayed for public information.

Section 4. (1) All wild animals held in capitivity at roadside menageries shall be confined at all times in cages of such strength and type of construction that it will be impossible for the animals to escape, and at no time shall any animals be chained or otherwise tethered to stakes, posts, trees, buildings, or other anchorage, or otherwise impeded from moving freely within the cage or enclosure except according to rules adopted by the commission.

(2) All cages and enclosures shall be of sufficient size and height to give the animals ample space for exercise and to avoid overcrowding or escape. The length of the cage or enclosure shall be a minimum of six (6) times the length of the animal being kept, and the width shall be at least three-quarters (¾) of the cage length. For each additional animal housed in the cage, the size of the cage shall be increased an additional twenty-five percent (25%). Species requiring larger cage configurations or holding facilities shall be accommodated according to regulations of the commission. Each cage or enclosure shall be provided with a weatherproof den, nest box, rest board, perch, or shelter, and bedding as may be required for the comfort of the species so held in captivity and to protect them against inclement weather. A suitable shield for protection against the hot rays of the sun shall also be provided. Where the natural climate of the species of animal being held differs from the climate of the area where the menagerie is located, provisions must be made to adjust holding conditions to the natural hapitat.

(3) Substantial guard rails shall be constructed around all cages or enclosures to safeguard the public and the animals from injury. Cages and fencing shall be in good repair at all times, and gates and doors shall be padlocked. No nails or other sharp protrusions which might injure the animals are allowed within the cage.

Section 5. (1) Regular feeding schedules shall be maintained. The rations supplied should be adequate and varied, and so far as possible, consistent with the food which is ordinarily eaten by such animals in a wild state, to maintain proper strength and healthy appearance. Food must be of good quality. Under no circumstances may the public be permitted to feed the animals, nor may food be sold to the public for this purpose.

(2) Running water for drinking purposes shall be available in cages or enclosures at all times. Drinking fountains and other receptacles shall be kept clean and in a sanitary condition.

(3) Proper signs shall be conspicuously posted on cages and enclosures requesting the public to refrain from feeding or annoying the animals so retained. The owner or operator shall periodically check to insure enforcement.

Section 6. (1) All animals retained shall be handled in a humane manner and when afflicted or unsightly shall be removed from public display by the owner or operator, and given medical attention, or be destroyed in a humane manner.

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(2) All cages or other enclosures shall be cleaned at least once a day and said enclosures and their surroundings shall be kept in a sanitary and attractive condition, free from offensive odor.

Section 7. (1) Any animals with a propensity to fight, or which are otherwise incompatible, shall be kept segregated.

(2) A menagerie permit cannot be construed as a commercial game propagating permit and the holder of such permit must not, under any circumstances, sell or attempt to sell any of the original game birds or game animals or the progeny thereof. A game propagating permit is required to propagate and sell game birds and game animals for commercial purposes. A fur farming permit is required to propagate and sell fur-bearing animals. All offspring of game animals, game birds or fur-bearing animals are the property of the state wherein the menagerie is located, and must be disposed of by the state.

Section 8. (1) All animals retained at a roadside menagerie shall have been secured in a lawful manner, that is, from a licensed dealer within or without the state. Evidence of such legal possession shall be forwarded following acceptance of the application for such menagerie including receipted invoice, bill of lading, or other satisfactory evidence. Upon return, it shall be available for inspection upon due request.

(2) It shall be the purchaser's responsibility to obtain written verification that the individual disposing of any animals was legally entitled to make the disposition. Such verification shall be maintained with the other records and made available upon request.

Section 9. Each enclosure shall be labelled with the proper common name in English, of the animal or animals confined, for the information of the public. The letters on such labels shall be at least one (1) inch in height.

Section 10. A complete, permanent record of all animals purchased, acquired, kept or sold, and all offspring birth details and such other records or details as may be required by the commission shall be kept on the premises, and shall be open to inspection by any state game warden or other officer upon demand.

Section 11. The provisions of this act shall be enforced by any state fish and game warden or any other legally authorized officer. Any person violating the provisions of this act shall, upon conviction, be punished by a fine of not more than two hundred fifty dollars ($250.00), imprisonment for a period of not more than ten (10) days, or both, and at the discretion of the court the permit and all rights and privileges inherent therein may be forfeited. Any animals being kept in violation of any section of this act may be confiscated or ordered disposed of at the discretion of the State Fish and Game Commission.

Section. 12 Fines, bonds or penalties shall be administered and disposed of in accordance with the provisions of Section 26-1001. Fee obtained under this act shall be deposited with the state treasurer and credited to the earmarked State Fish and Game Fund.

And as so amended, do pass.

HAFFERMAN, Chairman

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

2nd Reading 1-17-69

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That Senate Bill No. 42 do pass.

That Senate Bill No. 56 do pass.

That Senate Bill No. 5 do pass.

That consideration of Senate Bill No. 20 be passed.

That the Committee rise and report.

GRAHAM, Chairman

Upon motion of Senator Graham, duly carried, the foregoing report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

Senate Joint Resolution No. 2, having been read three several times, was passed by the following roll call vote:

Ayes: Anderson, Bennett, Bollinger, Boylan, Broeder, Brownfield, Cochrane, Cotton, Deschamps, Dzivi, Flynn, Folsom, Gilfeather, Goodheart, Graham, Groff, Hafferman, Haughey, Hazelbaker, Hibbard, James, Keenan, Klindt, Lehrkind, Lynch, Lyon, Mackay, Mahoney, Manning, Mathers, McDonald, McGowan, McKeon, Mitchell, Moore, Nees, Northey, Reardon, Reber, Rehberg, Rosell, Rugg, Selstad, Shugrue, Siderius, Stein, Stephens, Thiessen, Turnage, Vainio. Total 50.

Noes: None.

Absent and not voting: None.

Excused: Bertsche, DeWolfe, Moritz, Rostad, Sheehy. Total 5.

At the request of Senator Mahoney, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS AND RESOLUTIONS

Upon motion of Senator Mahoney, duly carried, Senate Bill No. 20 was taken from Second Reading and re-referred to the Committee on Fish and Game.

At the request of Senator Mahoney, and without objection, the Senate was on Order of Business No. 12.

Upon motion of Senator Mahoney, duly carried, the Senate recessed at 12:03 p.m. until the hour of 2:00 p.m. this day.

AFTERNOON SESSION

Pursuant to recess, the Senate resumed at 2:00 p.m., President Pro Tempore McGowan presiding.

REPORTS OF STANDING COMMITTEES

The following committees submitted the following reports:

Mr. President: We, your Committee on Bills, to whom was referred Senate Bill No. 63, beg leave to report same back correctly printed.

DeWOLFE, Chairman

Report adopted.

Report of Standing Committees

Mr. President: We, your Committee on State Administration, having had under consideration Senate Bill No. 61, respectfully report as follows: That Senate Bill No. 61 be amended as follows:

Amend page 4, Section 6, lines 17 through 29 of the original bill by omitting after the period, following the word "Head.", the remainder of Section 6 in its entirety;

And amend on page 6, Section 9, line 10 of the original bill by inserting after the numeral and punctuation "9." the word and punctuation "same:";

And amend by omitting the underlining in the original bill in the following places: page 4, Section 6, line 11; page 6, Section 10, line 28; page 7, Section 10, lines 3 and 4; page 8, Section 14, line 29; page 10, Section 18, line 17 and line 20; page 11, Section 19, line 16 and line 22; page 12, Section 22, line 22 and line 27; page 14, Section 26, line 7; page 14, Section 28, line 22; page 14, Section 29, line 30; page 15, Section 30, line 17; page 16, Section 32, line 15; page 17, Section 36, sub-section (2), line 31;

And as so amended, do pass.

JAMES, Chairman

Report adopted.

Mr. President: We, your Committee on Fish and Game, having had under consideration Senate Bill No. 20, respectfully report as follows: That Senate Bill No. 20 be amended as follows:

By striking out all of the bill following the enacting clause and inserting in lieu thereof the following material:

"Section 1. As used in this act, unless the context clearly indicates otherwise:

(1) "commission" means the Montana fish and game commission;

(2) "roadside menagerie or zoo" means any place where one (1) or more wild animals, including birds, reptiles, and the like are kept in captivity, for the evident purpose of exhibition or attracting trade, but does not include the exhibition of any animal by any educational institution or in any zoological garden chartered as a non-profit corporation by the state nor animals exhibited by any traveling theatrical exhibition or circus;

(3) "wild animal" means any animal wild by nature as distinguished from the common domestic animals, whether or not such animal was bred or reared in captivity, and includes birds and reptiles.

(4) "director" means the director of the state fish and game commission.

Section 2. (1) The commission shall grant permits for roadside menageries or zoos.

(2) The commission shall adopt and enforce reasonable regulations for the housing, care, treatment, feeding and sanitation of animals kept in roadside menageries, and for the protection of the public from injury by such animals.

Section 3. (1) It is unlawful for any person to operate a roadside menagerie without a permit. Application for a permit shall be made to the director on a form prescribed by him. The annual permit fee for five (5) or less animals shall be ten dollars ($10.00). The annual permit fee for more than five (5) animals shall be twenty-five dollars ($25.00). Permits shall expire on December 31, but may be renewed upon payment of the annual fee. This section shall not apply to the United States, the state of Montana, or any county or city. Any person who shall subscribe to any

1-25-69

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That Senate Bill No. 14 do pass.

That consideration of Senate Bill No. 95 be passed.

That Senate Bill No. 122 do pass.

That Senate Bill No. 20 do pass.

That House Bill No. 96 be concurred in.

That House Bill No. 43 be concurred in.

That the Committee rise and report.

BOLLINGER, Chairman

Senator Bollinger moved for adoption of the Committee of the Whole report.

Upon substitute motion of Senator Dzivi, duly carried, Senate Bill No. 14 was segregated from the Committee of the Whole report.

Upon motion of Senator Mahoney, duly carried, the Committee of the Whole report was adopted, as amended.

At the request of Senator Mahoney, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS AND RESOLUTIONS

Upon motion of Senator Mahoney, duly carried, Senate Bill No. 91 was taken from Third Reading and re-referred to the Committee on Commerce and Labor.

Upon motion of Senator Dzivi, duly carried, Senate Bill No. 14 was taken from Second Reading and re-referred to the Committee on Fish and Game.

At the request of Senator Mahoney, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

At the request of the President, and without objection, the following committees were granted seven additional days to consider the following bills:

LOCAL GOVERNMENT: Senate Bill No. 131.

JUDICIARY: House Bills Nos. 69 and 109.

STATE ADMINISTRATION: Senate Bills Nos. 123 and 134 and House Bill No. 76.

FINANCE AND CLAIMS: House Bills Nos. 81, 84 and 85.

HIGHWAYS AND TRANSPORTATION: Senate Bill No. 135 and House Bill No. 122.

TAXATION: Senate Bill No. 116.

EDUCATION: Senate Bills Nos. 119, 132 and 133.

PUBLIC HEALTH, WELFARE AND SAFETY: Senate Joint Resolution No. 11.

January 27, 1969

MINUTES OF THE COMMITTEE

MEETING ON FISH AND GAME

The fifth meeting of the Fish and Game Committee was held on January 23, 1969, with Chairman Hafferman presiding. Roll call was taken and a quorum was present.

The first order of business was Senate Bill No. 90, and Senator Lehrkind, sponsor of the bill, introduced it to the committee. The purpose of the bill is to allow the Fish and Game license agents to deliver all money collected from license sales after deducting their sales allowance. Senator Lehrkind then stated that an amendment should be in order on Page 2, Section 1, Line 1, of the Original Bill following the word "the" by deleting the words "state examiner" and inserting the words "legislative post auditor". Senator Folsom motioned that the amendment DO PASS, it was seconded by Senator Northey, and all were in favor. Senator Lehrkind was then excused and a motion was made by Senator Northey that Senate Bill No. 90 DO PASS AS AMENDED, it was seconded by Senator Lynch. The motion carried unanimously.

Senate Bill No. 53 was next in line. This bill had been discussed earlier, and it was decided that Senator Mitchell was to look into the constitutionality of it. Because Senator Mitchell was not in attendance, no action was taken on this bill.

Senate Bill No. 14, which had been rereferred to the committee was next taken under consideration. The bill is to authorize the Fish and Game Commission to purchase land by installment payment contracts extended over a period not to exceed 10 years. There had been some objection to the wording of the bill by Senator Groff, upon it's presentation to the Committee of the Whole. Therefore, an amendment was made on Page 1, Section 1, Line 19, of the Original Bill, following the word "in" by omitting the words "an irrevocable trust" and inserting the words "a special". Senator Northey moved that the amendment DO PASS and it was seconded by Senator Lynch. All having heard the motion, a vote was taken and it carried unanimously. Senator Northey then motioned that Senate Bill No. 14 DO PASS AS AMENDED, this was seconded by Senator Lynch and the motion so carried.

Senate Bill No. 20, which had also been rereferred back to our committee was then discussed. Senator Folsom spoke, and stated that the bill had been referred back to the subcommittee by the Committee of the Whole, and that they had decided to strike the entire first amendment and offer a new one in it's place.

There was some confusion as to how the second amendment should be offered (as an amendment to the amendment, a substitute amendment, etc.). It was decided that the secretary of the committee should inquire as to the proper terminology. This was done and it was later determined by the secretary that because the first amendment had never been passed by the Committee of the Whole, that it should be considered as non-existent, and that the second amendment should replace it. The second amendment may be found in it's entirety on Standing Committee Report form dated January 23, 1969. Senator Folsom then motioned that the amendment to Senate Bill No. 20 DO PASS. The motion was seconded by Senator Moore and it so carried. Senator Folsom then moved that Senate Bill No. 20 DO PASS AS AMENDED, it was seconded by Senator Moore and all members voted in favor of it.

Chairman Hafferman then stated that the authors of House Bills No. 53 and 74 be notified to appear at the next meeting, in order to present their respective bills.

Next in line was House Bill No. 51, which provides that salmonid fish eggs imported into Montana be certified free of certain diseases. A motion was made by Senator Stein that this bill BE CONCURRED IN and it was seconded by Senator Moore. Having heard the motion, a vote was taken and the motion carried without any difficulty.

House Bill No. 54 was then taken under consideration by the committee. This is a bill to restrict the operation of state Fish and Game license agents to a single business location as stated in the agents' certificate of appointment, and was requested by the legislative post auditor. After some discussion, Senator Keenan moved that House Bill No. 54 BE CONCURRED IN. This was seconded by Senator Northey and all members voted in favor of it. Senator Keenan then moved that the meeting be adjourned, it was seconded by Senator Folsom and the motion so carried.

SENATOR WILLIAM F. HAFFERMAN, CHAIRMAN

1-28-69

Senate resumed. President Judge presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That consideration of Senate Bill No. 110 be passed.

That Senate Joint Resolution No. 17 do pass.

That Senate Bill No. 1 do pass.

That the Committee rise and report.

GOODHEART, Chairman

Upon motion of Senator Goodheart, duly carried, the foregoing report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

Senator Manning was excused from all roll calls.

Senate Bill No. 122, having been read three several times, was passed by the following roll call vote:

Ayes: Anderson, Bennett, Bertsche, Bollinger, Boylan, Broeder, Brownfield, Cochrane, Cotton, Deschamps, DeWolfe, Dzivi, Flynn, Folsom, Gilfeather, Goodheart, Graham, Groff, Hafferman, Haughey, Hibbard, James, Keenan, Klindt, Lehrkind, Lynch, Lyon, Mackay, Mahoney, Mathers, McDonald, McGowan, McKeon, Mitchell, Moritz, Moore, Nees, Northey, Reardon, Reber, Rehberg, Rosell, Rostad, Rugg, Selstad, Sheehy, Shugrue, Siderius, Stein, Stephens, Thiessen, Turnage. Total 52.

Noes: Hazelbaker. Total 1.

Absent and not voting: None.

Excused: Manning, Vainio. Total 2.

Senator Deschamps was excused from all roll calls.

Senate Bill No. 20, having been read three several times, was passed by the following roll call vote:

Ayes: Anderson, Bennett, Bertsche, Bollinger, Boylan, Broeder, Cochrane, Cotton, DeWolfe, Dzivi, Flynn, Folsom, Gilfeather, Goodheart, Graham, Hafferman, Haughey, Hazelbaker, Hibbard, James, Keenan, Klindt, Lehrkind, Lynch, Lyon, Mahoney, Mathers, McDonald, Mitchell, Moore, Nees, Northey, Reardon, Reber, Rehberg, Rosell, Rostad, Selstad, Sheehy, Shugrue, Stein, Stephens, Thiessen, Turnage. Total 44.

Noes: Brownfield, Groff, Mackay, McGowan, McKeon, Moritz, Rugg, Siderius. Total 8.

Absent and not voting: None.

Excused: Deschamps, Manning, Vainio. Total 3.

Senate Bill No. 95, having been read three several times, was passed by the following roll call vote:

Ayes: Anderson, Bennett, Bertsche, Bollinger, Boylan, Broeder, Brownfield, Cochrane, Cotton, DeWolfe, Dzivi, Flynn, Folsom, Goodheart, Graham, Groff, Hafferman, Haughey, Hazelbaker, Hibbard, James, Keenan,

HOUSE FISH AND GAME COMMITTEE

41st Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HJR 30	National Park Service to advertise Chief Joseph Battleground Bardanouve	1-24	2-5		2-5	DO PASS	In enrolling on 60th day
HJR 34	F&G to create a state park at Giant Springs near Great Falls Bardanouve	1-24	2-5		2-5	DO NOT PASS	KILLED
SB 14	F&G may buy land on installment plan if not more than 10 years Northey	2-10	2-12		2-12	BE NOT CONCURRED IN	KILLED
SB 20	F&G Comm. to control and regulate roadside zoos Flynn	1-29	2-10 2-12		2-12	BE CONCURRED IN AS AMENDED	Signed by Governor
SB 45	Define beneficial appropriation of waters Mitchell	1-27			2-2	Moved to other committee	KILLED
SB 223	Sale of shotguns and rifles in Montana and contiguous states Northey	2-3	2-10		2-10	BE NOT CONCURRED IN	KILLED
SB 227	Place beaver management under general F&G statute Selstad	2-2	2-10		2-10	BE CONCURRED IN	Signed by Governor

1969 FISH AND GAME COMMITTEE

BILL WILLIAMS, Chairman

BOB WHITE

BOB FEISTHAMEL

AL HAGEMAN

PAUL HARLOW

GEORGE JOHNSTON

IKE KNUDSEN

OSCAR KVAALEN

NORRIS NICHOLS

LOUIS PERRY

RUDY POLICH

MILES ROMNEY

LELAND SCHOONOVER

GENE SPILDE

WALTER ULMER

EARL WHITNEY

HUBERT WOODARD

ROLL CALL

FISH AND GAME COMMITTEE

41st LEGISLATIVE SESSION 1969

	JANUARY							FEBRUARY				MARCH				
DATE	8	13	15	20	22	27	29	3	5	7	10	12	3			
Williams, Bill	x	x	x	x	x	ex	x	x	x	x	x	x	x			
White, Bob	x	x	x	x	x	x	x	x	x	x	x	x	x			
Feisthamel, Robert	x	x		x		x	x	ex	x	x		x	x			
Hageman, Alvin	x	x	x	x	x	x	x	x	x	x	x	x				
Harlow, Paul	x	x	x	x	x	x	x	x	x	x	x	x	x			
Johnston, George	x	x	x	x	x	x	x	x	x	x	x	x	x			
Knudsen, Ike	x	x	x	x	x	x	x	x	x	x	x	x	x			
Kvaalen, Oscar	x	x		x	x	x		x	x	x	x	x	ex			
Nichols, Norris																
Perry, Louis	x		x		x			x	x	x	x	x	x			
Polich, Rudolph	x	x	ex	x	x	x	x	x		x	ex		x			
Romney, Miles	x	x	x		x	x		x		x			x			
Schoonover, Leland	x	x	x	x	x	x	x	ex	x	x	x	x	x			
Spilde, Gene	x	x				x	x		x	x						
Ulmer, Walter	x	x			x	x		x	x	x	x	x				
Whitney, Earl	x	x	x	x	x	x	x	x		x	x	x	x			
Woodard, Hubert	x	x	x	x		x	x	x	ex	x	ex	ex	x			

February 10, 1969

The meeting of the Fish and Game Committee was called to order at 10:38 a.m. by Chairman Bill Williams with 10 members present.

Chairman Williams read a statement from the Senate concerning SB 275, to the committee. Orville Lewis of the Fish and Game Commission stated that during periods of extreme fire danger when areas would be closed to trespass, the landowner would not be able to fish or hunt on his own property. As long as it is closed to trespass for the public then it should be closed to everybody including the landowner.

Senator Flynn explained SB 20 to the committee. Rep. Burnett explained the amendments to the bill.

Orville Lewis of the Fish and Game Commission explained SB 227 to the committee.

Mr. Lewis then explained SB 223 to the committee, after which questions were asked.

Rep. Williams: How would this compare with Rep. Spilde's bill?

Mr. Lewis: It covers the same territory. Rep. Spilde's bill was taken from the law that the NRA proposed.

Rep. Schoonover: Can a resident sell to another resident?

Mr. Dunkle: There is no problem as long as you comply with the federal regulations.

The witnesses were excused and the committee discussed the bills before them.

Rep. Schoonover moved that SB 275 BE CONCURRED IN. Motion carried.

Rep. Ulmer moved that SB 227 BE CONCURRED IN. Motion carried.

Rep. Kvaalen moved that SB 223 BE NOT CONCURRED IN. Motion carried.

Rep. Schoonover moved that consideration on SB 20 be passed for the day. Motion carried.

The meeting was adjourned at 11:12 a.m.

Bill Williams
BILL WILLIAMS, Chairman

JCL

February 12, 1969

The meeting of the Fish and Game Committee was called to order by Chairman Bill Williams at 11:05 with 12 members present and five members absent.

Representative Burnett and Frank Dunkle of the Fish and Game Department spoke on SB 20 and explained the amendments.

Senator Folsom, chief sponsor of SB 14, explained the bill to the committee. He also spoke in support of SB 20.

Representative Marks stated that he was opposed to the bill because under it, the Fish and Game could compete unfairly with the common people in buying land.

Mr. Dunkle stated that if it became law and they defaulted on it, "Hell would not be half a mile away."

Rep. Hageman moved that the committee adopt the amendment to SB 20 and as so amended be concurred in. Motion carried.

Rep. White moved that SB 14 BE NOT CONCURRED IN. Motion carried.

The meeting was adjourned at 11:40.

Bill Williams, Chairman

JCL

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2-13-69

Senate, were this day at the hour of 11:50 o'clock, a.m., delivered to the Governor for his approval.

BROWNLEE, Vice-Chairman

February 11, 1969

Mr. Speaker: We, your Committee on Bills, to whom was referred House Bills Nos. 521, 445, 291, 290, 206, 408, 481, 465, 454, 300, 225, 372, 267, 424, House Joint Resolutions Nos. 27, 16, 22, beg leave to report that the same have this date been returned from the printer correctly printed.

BROWNLEE, Vice-Chairman

February 12, 1969

Mr. Speaker: We, your Committee on Bills, beg leave to report the following bills correctly engrossed: House Bills Nos. 517, 420, 328, 355, 318, 284, 535, 528, 466, 280, House Joint Resolution No. 6.

BROWNLEE, Vice-Chairman

REPORTS OF STANDING COMMITTEES

February 12, 1969

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration Senate Bill No. 14, respectfully report as follows: That Senate Bill No. 14 be not concurred in.

W. G. WILLIAMS, Chairman

Report adopted.

February 12, 1969

Mr. Speaker: We, your Committee on Fish and Game, having had under consideration Senate Bill No. 20, respectfully report as follows: That Senate Bill No. 20 be amended as follows:

Amend page two of the Senate Fish and Game Committee amendments to Senate Bill No. 20 dated January 24th on page 2, Section 4, after the word "Montana" by adding the following words: "Non game animals may be bought, sold or transferred under such regulations as the fish and game commission may prescribe."

And further amend the Senate Fish and Game Committee amendments to Senate Bill No. 20 dated January 24th on page 2, the last line of Section 7 after the word "game" by striking the word and punctuation "commission." and inserting in lieu thereof the following words and punctuation: "director. The permittee may appeal to the commission within 20 days of the date of the order to confiscate and the commission shall hold a hearing on such an appeal and the decision of the commission shall be final."

And as amended, be concurred in.

W. G. WILLIAMS, Chairman

Report adopted.

February 12, 1969

Mr. Speaker: We, your Committee on Appropriations, having had under consideration House Bill No. 590, respectfully report as follows: That House Bill No. 590 do pass.

NICHOLS, Chairman

Report adopted.

February 12, 1969

Mr. Speaker: We, your Committee on Appropriations, having had

2nd Reading - Committee of Whole
2-15-69

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 315 be amended in Section 3, line 28 of the original bill, being section 3, line 3 of the printed bill, after the word "irrigation" by adding the following material: ", extraction of gravel for construction and/or road building purposes,"

And as amended, be concurred in.

That Senate Bill No. 108 be concurred in.

That Senate Bill No. 109 be concurred in.

That Senate Joint Resolution No. 17 be concurred in.

That Senate Bill No. 128 be amended in line 37, page 3 of the printed bill, being page 3, line 4 of the original bill, by striking the figures "198" and inserting in lieu thereof the figures "300":

And as amended, be concurred in.

That Senate Bill No. 129 be concurred in.

That Senate Bill No. 76 be concurred in.

That Senate Joint Resolution No. 19 be concurred in.

That Senate Bill No. 50 be concurred in.

That Senate Bill No. 79 be concurred in.

That Senate Bill No. 80 be concurred in.

That Senate Bill No. 20 be concurred in.

That consideration of Senate Bill No. 304 be passed for the day.

That Senate Bill No. 146 be concurred in.

That Senate Bill No. 142 be concurred in.

That Senate Bill No. 122 be concurred in.

That Senate Bill No. 309 be concurred in.

That the Committee rise and report.

ULMER, Chairman

Report adopted.

A motion was made by Mather that the House adjourn until 1:30 p.m., February 17, 1969. Motion carried.

House adjourned.

JAMES P. LUCAS, Speaker

THOMAS E. MOONEY, Chief Clerk

FORTY-THIRD LEGISLATIVE DAY

House of Representatives
Helena, Montana
February 17, 1969

House convened, pursuant to adjournment, at 1:30 p.m.

Mr. Speaker in the Chair.

Invocation by the Chaplain.

3rd Reading 2-18-69

Senate Bill No. 80 was concurred in by the following vote:

Ayes: Asbjornson, Aspevig, Aubert, Baeth, Bardanouve, Brand, Burnett, Casey, Cashmore, Christiansen, Clemow, Cranston, Egan, Eggebrecht, Fagg, Fasbender, Feisthamel, Fleming, Gerke, Gilligan, Gunderson, Hageman, Hall, Harlow, Harrison, Healy, Himsl, M. E. Holtz, Johnston, Jurcich, Kendall, Kolstad, Kosena, Laas, Lee, Loble, Lombardi, Lundgren, Marks, Mather, McCulloch, McGrath, Mehrens, Melcher, Murphy, Newby, Nichols, Nugent, Nyquist, Patrick, Perry, Pierce, Polich, Prevost, Robbins, Romney, Rygg, Schoonover, Scott, Shively, Spahr, Speare, Staigmiller, Steele, Stratton, Teeple, Ulmer, Warfield, Watt, Pat Williams, W. G. Williams, Wolf, Worden, Yardley, Zimmer, Mr. Speaker. Total 76.

Noes: Brownlee, Campbell, Combs, East, Falkenstern, Feda, Forester, Hemstad, Jordan, Knudsen, Kvaalen, Lund, Payne, C. M. Smith, E. B. Smith, Spilde, Swan, Wayrynen, White, Whitney, Woodard. Total 21.

Absent or not voting: Dye, Glennen, Goan. Total 3.

Excused: Giesick, Haines, R. Holtz, Stimatz. Total 4.

Senate Bill No. 79 was concurred in by the following vote:

Ayes: Asbjornson, Aspevig, Aubert, Baeth, Bardanouve, Brand, Brownlee, Burnett, Campbell, Casey, Cashmore, Christiansen, Clemow, Cranston, East, Egan, Eggebrecht, Fagg, Fasbender, Feda, Feisthamel, Fleming, Gerke, Gilligan, Goan, Gunderson, Hageman, Hall, Harlow, Harrison, Healy, Hemstad, Himsl, M. E. Holtz, Johnston, Jurcich, Kendall, Knudsen, Kolstad, Kosena, Kvaalen, Laas, Lee, Loble, Lombardi, Lund, Lundgren, Marks, Mather, McCulloch, McGrath, Melcher, Murphy, Newby, Nichols, Nugent, Nyquist, Patrick, Payne, Perry, Pierce, Polich, Prevost, Robbins, Romney, Rygg, Schoonover, Scott, Shively, Spahr, Speare, Staigmiller, Steele, Stratton, Swan, Teeple, Ulmer, Warfield, Watt, Wayrynen, White, Pat Williams, W. G. Williams, Wolf, Worden, Yardley, Zimmer, Mr. Speaker. Total 88.

Noes: Combs, Falkenstern, Forester, Jordan, Mehrens, C. M. Smith, E. B. Smith, Spilde, Whitney, Woodard. Total 10.

Absent or not voting: Dye, Glennen. Total 2.

Excused: Giesick, Haines, R. Holtz, Stimatz. Total 4.

Senate Bill No. 20 was concurred in by the following vote:

Ayes: Asbjornson, Aspevig, Aubert, Baeth, Bardanouve, Brand, Brownlee, Burnett, Casey, Christiansen, Clemow, Combs, Cranston, East, Fagg, Falkenstern, Fasbender, Feda, Feisthamel, Fleming, Gerke, Gilligan, Gunderson, Hageman, Hall, Harlow, Harrison, Healy, Hemstad, Himsl, M. E. Holtz, Johnston, Jurcich, Kendall, Kolstad, Kosena, Kvaalen, Laas, Lee, Loble, Lombardi, Lund, Lundgren, Mather, McCulloch, Melcher, Murphy, Newby, Nichols, Nugent, Nyquist, Polich, Prevost, Robbins, Romney, Schoonover, Scott, Shively, E. B. Smith, Spahr, Speare, Spilde, Steele, Stratton, Swan, Teeple, Ulmer, Warfield, Watt, Wayrynen, White, Whitney, Pat Williams, W. G. Williams, Wolf, Woodard, Worden, Yardley, Zimmer, Mr. Speaker. Total 80.

Noes: Campbell, Cashmore, Egan, Eggebrecht, Forester, Goan, Jordan, Knudsen, Marks, Mehrens, Patrick, Payne, Perry, Rygg, C. M. Smith, Staigmiller. Total 16.

Absent or not voting: Dye, Glennen, McGrath, Pierce. Total 4.

Excused: Giesick, Haines, R. Holtz, Stimatz. Total 4.

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Senate Bill No. 101, introduced by Sheehy
Senate Bill No. 102, introduced by Sheehy
Senate Bill No. 196, introduced by Turnage
Senate Bill No. 210, introduced by Mitchell, et al
Senate Bill No. 211, introduced by Mitchell, et al
Senate Joint Resolution No. 9, introduced by Rehberg
Senate Joint Resolution No. 12, introduced by Turnage
Senate Joint Resolution No. 18, introduced by Manning
Senate Joint Resolution No. 25, introduced by Klindt

Sincerely yours,

THOMAS E. MOONEY
Chief Clerk

MOTIONS AND RESOLUTIONS

Senator McDonald rose to a point of personal privilege regarding Senate Bill No. 154. Senator McDonald stated that it was his intention to get the Montana High School Association to take their stand on the issue which they have now done and Senator McDonald felt that it was no longer necessary to send the bill to the Governor.

Upon motion of Senator McKeon, duly carried, House Bill No. 400 was placed immediately preceding House Bill No. 238 on the Third Reading board this day.

Upon motion of Senator Mahoney, duly carried, consideration of House Bill No. 123, now on Second Reading, was passed for the day.

BUSINESS ON SECOND READING

Upon motion of Senator Mahoney, duly carried, the Senate resolved itself into a Committee of the Whole for the consideration of Business on Second Reading.

Senator Rugg in the Chair. Committee arose.

Senate resumed. President Judge presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, recommend as follows:

That House Amendments to Senate Bill No. 20 be concurred in.

That House Amendments to Senate Bill No. 304 be concurred in.

That consideration of House Amendments to Senate Joint Resolution No. 22 be passed.

That House Bill No. 356 be concurred in.

That consideration of House Bill No. 291 be passed.

That House Bill No. 458 be concurred in.

That House Bill No. 362 be concurred in.

That House Bill No. 590 be concurred in.

That House Bill No. 583 be concurred in.

That House Bill No. 241 be concurred in.

2-22-69

Be it further resolved, that the Secretary of the Senate is instructed to send a copy of this resolution to the Superintendent of Public Instruction.

The President referred the foregoing resolution to the Committee on Education.

At the request of Senator Mahoney, and without objection, the Senate passed to Order of Business No. 9.

THIRD READING OF BILLS

Senator DeWolfe was excused from all roll calls.

House Amendments to Senate Bill No. 20, having been read three several times, were concurred in by the following roll call vote:

Ayes: Anderson, Bennett, Bertsche, Bollinger, Boylan, Broeder, Brownfield, Cochrane, Cotton, Deschamps, Dzivi, Folsom, Gilfeather, Goodheart, Graham, Groff, Hafferman, Haughey, Hazelbaker, Hibbard, Keenan, Klindt, Lyon, Mackay, Mahoney, Manning, Mathers, McDonald, McKeon, Mitchell, Moritz, Moore, Northey, Reardon, Reber, Rehberg, Rosell, Rostad, Rugg, Selstad, Sheehy, Shugrue, Siderius, Sparks, Stein, Turnage. Total 46.

Noes: None.

Absent and not voting: James, Lehrkind, Lynch, McGowan, Nees, Thiessen. Total 6.

Excused: DeWolfe, Flynn, Stephens. Total 3.

House Amendments to Senate Bill No. 304, having been read three several times, were concurred in by the following roll call vote:

Ayes: Anderson, Bennett, Bertsche, Bollinger, Boylan, Broeder, Brownfield, Cochrane, Cotton, Deschamps, Dzivi, Folsom, Gilfeather, Goodheart, Graham, Hafferman, Haughey, Hazelbaker, Hibbard, James, Keenan, Klindt, Lehrkind, Lynch, Lyon, Mackay, Mahoney, Manning, Mathers, McDonald, McKeon, Mitchell, Moritz, Moore, Northey, Reardon, Reber, Rehberg, Rosell, Rostad, Rugg, Selstad, Sheehy, Shugrue, Sparks, Stein, Thiessen, Turnage. Total 48.

Noes: None.

Absent and not voting: Groff, McGowan, Nees, Siderius. Total 4.

Excused: DeWolfe, Flynn, Stephens. Total 3.

House Amendments to Senate Joint Resolution No. 22, having been read three several times, were concurred in by the following roll call vote:

Ayes: Anderson, Bennett, Bertsche, Bollinger, Boylan, Broeder, Brownfield, Cochrane, Cotton, Deschamps, Dzivi, Folsom, Gilfeather, Goodheart, Graham, Groff, Hafferman, Haughey, Hazelbaker, Hibbard, James, Keenan, Klindt, Lehrkind, Lynch, Lyon, Mackay, Mahoney, Manning, Mathers, McDonald, McGowan, McKeon, Mitchell, Moritz, Moore, Nees, Northey, Reardon, Reber, Rehberg, Rosell, Rostad, Rugg, Selstad, Sheehy, Shugrue, Siderius, Sparks, Stein, Thiessen, Turnage. Total 52.

Noes: None.

Absent and not voting: None.

Excused: DeWolfe, Flynn, Stephens. Total 3.

(¾) of the members favorable to such earlier termination.

Section 17. **Severability.** It is the intent of the legislative assembly that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. Severability.

Section 18. **Effective date.** This act is effective on its passage and approval. Effective date.

Approved: February 26, 1969.

CHAPTER 130

An Act to Require the Fish and Game Commission to Control and Regulate Roadside Menageries or Zoos.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. As used in this act, unless the context clearly indicates otherwise:

(1) "commission" means the Montana fish and game commission; "Commission."

(2) "roadside menagerie or zoo" means any place where one (1) or more wild animals, including birds, reptiles, and the like are kept in captivity, for the evident purpose of exhibition or attracting trade, but does not include the exhibition of any animal by any educational institution or in any zoological garden chartered as a nonprofit corporation by the state nor animals exhibited by any traveling theatrical exhibition or circus; "Roadside menagerie or zoo."

(3) "wild animal" means any animal wild by nature as distinguished from the common domestic animals, whether or not such animal was bred or reared in captivity, and includes birds and reptiles; "Wild animal."

(4) "director" means the director of the state fish and game commission. "Director."

Section 2. (1) The commission shall grant permits for roadside menageries or zoos. Permits—rules and regulations.

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(2) The commission shall adopt and enforce reasonable regulations for the housing, care, treatment, feeding and sanitation of animals kept in roadside menageries, and for the protection of the public from injury by such animals.

Permit application —fees— transferability.

Section 3. (1) It is unlawful for any person to operate a roadside menagerie without a permit. Application for a permit shall be made to the director on a form prescribed by him. The annual permit fee for five (5) or less animals shall be ten dollars ($10.00). The annual permit fee for more than five (5) animals shall be twenty-five dollars ($25.00). Permits shall expire on December 31, but may be renewed upon payment of the annual fee. This section shall not apply to the United States, the state of Montana, or any county or city. Any person who shall subscribe to any false statement in application for a permit shall be guilty of a misdemeanor.

(2) No permit shall be granted by the commission until it has satisfactorily verified that the provisions for housing and caring for such animals and for protecting the public are proper and adequate and in accordance with the standards established by the commission.

(3) A permit is not transferable to another person unless the roadside menagerie or zoo to which it pertains is also transferred to the same person. The director's approval must be obtained prior to such permit transfer and prior to a transfer of any wild animals held under the permit.

Obtaining wild animals for zoo.

Section 4. It is unlawful to obtain wild animals for a menagerie or zoo by capture from the wild or by purchase except in accordance with the terms of a permit. Applicatoin for such permit shall be made to the director on a form prescribed by him. After investigation by the department, the director may issue such permit without charge if he finds (a) that all provisions of this act and of the commission regulations are complied with by the applicant; and (b) that the number and species of wildlife desired is not excessive under the circumstances. If wild animals are to be obtained by capture, the permit shall designate the number and the means of capture, but ownership of the wild animals captured shall remain in the state of Montana. Non game animals may be bought, sold or transferred under such regulations as the fish and game commission may prescribe.

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Menagerie permit exclusions.

Section 5. A menagerie permit cannot be construed as a commercial game propagating permit and the holder of such permit must not, under any circumstances, sell or attempt to sell any of the original game birds or game animals or the progeny thereof. A game propagating permit is required to propagate and sell game birds and game animals for commercial purposes. A fur farming permit is required to propagate and sell fur-bearing animals. All offspring of game animals, game birds or fur-bearing animals are the property of the state wherein the menagerie is located, and must be disposed of by the state.

Inspection of facilities.

Section 6. All roadside menageries or zoos and all equipment used in connection therewith shall be open to inspection at all reasonable hours. If upon inspection it is found that the menagerie or zoo is not being operated in accordance with this act or with the commission regulations, the director shall revoke the permit without right of renewal and shall redeem possession of all wildlife obtained by capture or unlawful propagation.

Enforcement—violation—penalty.

Section 7. The provisions of this act shall be enforced by any state fish and game warden or any other legally authorized officer. Any person violating the provisions of this act shall, upon conviction, be punished by a fine of not more than two hundred fifty dollars ($250.00), imprisonment for a period of not more than ten (10) days, or both, and at the discretion of the court the permit and all rights and privileges inherent therein may be forfeited. Any animals being kept in violation of any section of this act may be confiscated or ordered disposed of at the discretion of the state fish and game director. The permitee may appeal to the commission within twenty (20) days of the date of the order to confiscate and the commission shall hold a hearing on such an appeal and the decision of the commission shall be final.

Disposition of fees and fines.

Section 8. Fines, bonds or penalties shall be administered and disposed of in accordance with the provisions of section 26-1001. Fees obtained under this act shall be deposited with the state treasurer and credited to the earmarked revenue fund, fish and game account.

Approved: February 27, 1969.